

Sixth Appellate District

San Jose, California

MONDAY, SEPTEMBER 30, 2002

H022262 FORMOSA INVESTMENT GROUP, et al. v. NOR-CAL DEVELOPMENT GROUP, et al.

We dismiss plaintiffs' appeal from the receiver order filed April 12, 2000. We affirm the dismissal order signed September 26, 2000. Defendants shall have costs on appeal. (not published) (Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Elia, J.)

Filed September 30, 2002

TUESDAY, OCTOBER 1, 2002

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and S. Nasson, Deputy Clerk.

H021478 PEOPLE v. WILLIS

Cause called and argued by J. Thomas Diepenbrock appearing for Appellant and by Bruce Ortega, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023734 BUDGET RENT A CAR CORPORATION v. COREGIS INSURANCE COMPANY, et al.

Cause called and argued by Robert Keaster appearing for Appellants and by Alan Goldberg appearing for Respondent. Cause ordered submitted.

H023676 PEOPLE v. YANG

Cause called and argued by Jeanine Strong appearing for Appellant and by Bruce Ortega, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023047 PEREIRA v. SOUTH BAY CIRCUITS, INC.

Cause called and argued by Frank Mayo appearing for Appellant and by Joseph Scanlan appearing for Respondent. Cause ordered submitted.

H023286 ACS INNOVATIONS, INC. v. MAX GROUP CORPORATON

Cause called and argued by Moses Hall appearing for Appellant and by George Williamson appearing for Respondent. Cause ordered submitted. Justice Rushing leaves the bench. Justice Wunderlich takes the bench.

Sixth Appellate District

San Jose, California

Tuesday, October 1, 2002 (continued)

H023977 PEOPLE v. MICHAEL G., a Minor

Cause called and argued by William Robinson appearing for Appellant and by Nancy Tung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023798 AUTODISC, INC. v. TALLEY, et al.

Cause called and argued by Thomas Easton appearing for Appellant and by Carl McConnell and Joseph Russoniello appearing for Respondents. Cause ordered submitted. Court is in recess until the 1:30 p.m. calendar.

H021407 PEOPLE v. WILLIAMS

The judgment is reversed, counts one and two are stricken, and the matter is remanded for resentencing on counts three through eight, consistent with Penal Code section 654 and section 667.6(c). (not published)

(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)

Filed October 1, 2002

H021748 PEOPLE v. ROAM

By the Court*:

Appellant's petition for rehearing is denied.

Filed: October 1, 2002

*Before Premo, Acting P.J., Elia, J. and Wunderlich, J.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.

Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and Beth Miller, Deputy Clerk.

H022547 PEOPLE v. RIOS

Cause called and argued by Barbara Green appearing for Appellant and by John Vance, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022797 PEOPLE v. GERARDO L.

Cause called and argued by Lark L. Ritson appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, October 1, 2002 (continued)

H023382 PEOPLE v. GERARDO L.

Cause called and argued by Lark L. Ritson appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023966 PEOPLE v. SUPERIOR COURT

Cause called and argued by Joseph Thibodeaux, Deputy District Attorney, appearing for Petitioner and by Barbara Fargo, Deputy Public Defender, appearing for Real Party in Interest. Cause ordered submitted.

H024218 CHEEK v. SUPERIOR COURT

Cause called and argued by Robert Weigel appearing for Petitioner and by Moona Nandi, Deputy Attorney General, appearing for Real Party in Interest. Cause ordered submitted.

H022179 MALLERY-FEINER CO. v. TERSOL, et al.

Cause called and argued by Mark A. Cameron appearing for Appellants Tersol, et al. and by Carl Munteer appearing for Appellant Mallery-Feiner Co. Cause ordered submitted.

H022748 SHERMAN v. MASTER PROTECTION CORPORATION

Cause called and argued by Gregory Daniel Trimarche appearing for Appellant and by Joseph Wood appearing for Respondent. Cause ordered submitted.

H023665 CARPONTIER v. ROBERSON

Cause called. Michael Patiky Miller appeared for Respondent. There was no appearance by counsel for Appellant. Cause ordered submitted.

WEDNESDAY, OCTOBER 2, 2002

H022657 PEOPLE v. AU

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed October 2, 2002

Sixth Appellate District

San Jose, California

Wednesday, October 2, 2002 (continued)

H022941 PEOPLE v. PEREZ

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed October 2, 2002

H023211 PEOPLE v. CREMER

For the foregoing reasons, the judgment and orders appealed from below are affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed October 2, 2002

H021807 PEOPLE v. RIVERA, et al.

(Filed order modifying opinion.) There is no change in the judgment. Appellant Bertha Ruiz's petition for rehearing is denied. (not published)
(Bamattre-Manoukian, Acting P.J., Mihara, J., Rushing, J.)
Filed October 2, 2002

THURSDAY, OCTOBER 3, 2002

H023218 PEOPLE v. FRITZ

The judgment is modified by striking the parole revocation fine imposed pursuant to Penal Code section 1202.45. The trial court is directed to amend the abstract of judgment accordingly and forward a copy of the amended abstract of judgment to the Department of Corrections. As so modified, the judgment is affirmed. (not published)
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed October 3, 2002

H023452 PEOPLE v. DIXON

H024253 DIXON ON HABEAS CORPUS

The judgment is affirmed, and the petition for writ of habeas corpus is denied. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)
Filed October 3, 2002

Sixth Appellate District

San Jose, California

Thursday, October 3, 2002 (continued)

H023210 MISSION WEST PROPERTIES, L.P., et al. v. REPUBLIC PROPERTIES CORPORATION, et al.

The stay order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed October 3, 2002

H023947 PEOPLE v. KAESEMEYER

The judgment is modified to reduce the Penal Code section 1202.4 restitution fine to \$200 and to reduce the stayed Penal Code section 1202.45 restitution fine to \$200. As so modified, the judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Elia, J.)

Filed October 3, 2002

H023843 PEOPLE v. SUPERIOR COURT; COSNER

Let a peremptory writ of mandate issue commanding respondent court to set aside that portion of its restitution order specifying that the amount of restitution owed to the City of San Jose will be reduced by \$10 for every hour of community service performed by real party in interest James Michael Cosner in excess of 250 hours. The temporary stay order is vacated. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed October 3, 2002

FRIDAY, OCTOBER 04, 2002

H023511 PEOPLE v. MUNOZ

(Filed order modifying opinion.) The petition for rehearing is denied. There is no change in the judgment. (published)
(Wunderlich, J., Elia, Acting P.J.)

Filed October 4, 2002

H023563 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed October 4, 2002